

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ERNEST SEAY,	:	
	:	NO. 1:10-CV-00828
Petitioner,	:	
	:	
	:	
v.	:	<b>ORDER</b>
	:	
	:	
WARDEN, Oakwood Correctional	:	
Institution,	:	
	:	
Respondent.	:	

This matter is before the Court on the Magistrate Judge's Substituted Report and Recommendations (doc. 37) and Petitioner's objections thereto (doc. 38).

As required by 29 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has reviewed the comprehensive findings and analyses of the Magistrate Judge and considered de novo all of the filings in this matter, including each of Petitioner's objections. Upon consideration of the foregoing, the Court finds Petitioner's objections unpersuasive and determines that the Magistrate Judge's Substituted Report and Recommendations is thorough, well-reasoned and correct. Accordingly, the Court ADOPTS and AFFIRMS the Magistrate Judge's Substituted Report and Recommendations (doc. 37) in its

entirety. Consequently, Petitioner's petition for habeas corpus is DENIED WITH PREJUDICE (doc. 1) and this matter is closed on the Court's docket. The Court DECLINES to issue a certificate of appealability with respect to Petitioner's claims for relief because "jurists of reason" would not find it debatable whether this Court is correct in its procedural rulings and because Petitioner has failed to make a substantial showing of the denial of a constitutional right, and the issues presented are not adequate to deserve encouragement to proceed further. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000); 28 U.S.C. § 2253(c), Fed. R. App. P. 22(b). Pursuant to 28 U.S.C. 1915(1)(c), this Court CERTIFIES that any appeal of this order will not be taken in good faith, and therefore DENIES Petitioner leave to appeal in forma pauperis upon a showing of financial necessity. See Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997).

SO ORDERED.

Dated: April 9, 2013

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge